

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOEL MEJIA PLASENCIA,

Defendant.

CR-00-60113-AA

ORDER

AIKEN, Judge:

Defendant again moves for modification of his sentence under Federal Rule of Civil Procedure 60(b)(6). As the court indicated in its Order dated June 29, 2005, civil rules do not apply to this criminal case, the time for filing a Motion to Correct or Reduce Sentence under Federal Rule of Criminal Procedure 35 is expired, and defendant's motion challenges the execution of his sentence


rather than its legality. "[P]etitions that challenge the manner, location, or conditions of a sentence's execution must be brought pursuant to § 2241 in the custodial court." Hernandez v. Campbell, 204 F.3d 861, 864 (9th Cir. 2000) (citing Doganieri v. United States, 914 F.2d 165, 169-70 (9th Cir. 1990)).

Defendant also seeks a copy of the Indictment returned against him. Given the procedural history of this case, and the repeated denials of habeas and other relief, the request is denied.

Accordingly, defendant's Motion for Modification of Sentence (doc. 78) and defendant's Motion for a copy of his indictment (doc. 79) are DENIED.

IT IS SO ORDERED.

Dated this 22 day of July, 2005.



Ann Aiken
United States District Judge